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इस भाग में विशेष पाठ संख्या दी जाती है जिसमें कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 22nd November, 1991:—

I

BILL No. LVII OF 1991

A Bill further to amend the Forest (Conservation) Act, 1980.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 1991.

(2) It shall come into force at once.

69 of 1980

2. In section 2 of the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act), after clause (ii), the following provisos shall be inserted, namely:—

“Provided that no such approval shall be required for any developmental Project or public work of a State duly approved by the Legislature thereof, such as construction of roads, implementation of drinking water schemes, laying of telegraph or telephone lines, electricity lines and the like:

Short title
and
commence-
ment.

Amend-
ment of
section
2.

Provided further that the project of the State Government shall also provide for necessary funds for the afforestation or reafforestation, as the case may be, of the adjacent forest land of the area equal to the forest land acquired for the said project.”.

Insert-
tion of
new
section
2A.

3. After section 2 of the principal Act, the following section shall be inserted, namely:—

Approval
of State
Schemes
by
Central
Govern-
ment
within a
time
frame.

“2A. Every scheme approved by any State Government and sent to the Central Government for its approval shall be disposed of by that Government within three months of its receipt without reference thereof to the Advisory Committee referred to in section 3.”.

STATEMENT OF OBJECTS AND REASONS

The forest reserves in the country are gradually shrinking day by day due to unplanned deforestation either by the general public to use the forest wood as fuel or by mafias who smuggle timber and other wood for making furniture etc. This has led to severe environmental problems such as droughts, floods, land slides etc. Therefore, in order to contain the ruthless destruction of the forest wealth of the country, the Forest (Conservation) Act, 1980 was enacted. The objects of this Act are laudable. The conservation of forests is the prime concern of the nation but being a Welfare State the Government is committed to development in general and particularly the tribal, backward and hilly areas of the country. Most of the forest lands in tribal and backward areas are reserved forests and, therefore, the projects relating to construction of roads, tanks, ashrams, schools, minor irrigation tanks, power plants are held up for want of land particularly in and around the forests. The Forest (Conservation) Act, 1980 provides that any forest land or any portion thereof may be used for any non-forest purpose provided it has the approval of the Central Government. As a result the State Governments are sending their proposals for various developmental schemes to the Central Government for its clearance but such projects remain pending with that Government for years which adversely hampers the pace of development in the concerned States. Madhya Pradesh is one such State whose various development projects are pending clearance with the Central Government for years together. These projects include the development of dacoit infested ravines by construction of roads, communication systems etc. therein. It is, therefore, necessary to make it compulsory for the Central Government not to withhold or delay its approval atleast for the developmental of projects submitted by the Government of the States and a provision in this regard is required to be made in the Act itself. Hence it is proposed that if any project has the approval of the Legislature of the State concerned then the approval of the Central Government should not be mandatory but at the same time the State must also develop equal land adjacent to forest land for afforestation. It is also proposed that the Central Government must dispose of a scheme submitted to it by any State within three months of its receipt.

Hence this Bill.

SURESH PACHOURI.

II

BILL NO. LIII OF 1991

A Bill to provide for the abolition of public and private schools in the country to bring them at par with the ordinary schools run by the Government and for matters connected therewith.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

**Short title,
extent
and
commencement.**

1. (1) This Act may be called the Abolition of Public and Private Schools Act, 1991.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint but not later than two years from the date of assent of the President to this Act.

Abolition of Public and Private Schools.

2. (1) Notwithstanding anything contained in any other law for the time being in force, every school following public school education system in the country whether run by Union Government or State Government or Union Territory Administration or Semi Government Organisation or any other organisation or any individual, either aided by the Government or owned by it partially or in full is hereby abolished.

(2) Every school run by any private organisation or individual is also hereby abolished.

3. No public school or private school shall be recognised by the Government or by any agency or authority constituted by the Government for the purpose of granting recognition to schools and the recognition already granted to such schools shall be deemed to have been terminated from the date of commencement of this Act.

4. Notwithstanding anything contained in any other law for the time being in force, after the commencement of this Act, no certificate awarded by a public school or private school shall be recognised by the Government or any of its agencies or institutions, educational or otherwise, universities, for any purpose including admission to colleges or other institutions of higher education or for establishing eligibility to enter into Government or Private services.

5. After the commencement of this Act all the schools throughout the country shall have common syllabus at all levels of studies.

Prohibi-
tion of
recogni-
tion of
public
or private
schools

Certifi-
cates
of Public
or Private
Schools
not to
be reco-
gnised.

Common
Syllabus
in all
schools

STATEMENT OF OBJECTS AND REASONS

In our country the elite schools generally known as public or convent schools are a blot on our democracy where about half of its population lives below the poverty line. These public schools are the pockets of the privileged ones and are patronised by the children of aristocrats who can afford expensive education for their children. It is an anachronism to have such privileged schools in a country which is committed to classless society and universalisation of education. In fact the public schools in our country have not made any material contribution to the educational progress because the number of children whom they cater is microscopic. On the other hand these schools produce potential *brown sahebs* who are egotistic and arrogant because the students of these schools consider themselves a privileged class meant to rule others. They remain cut off from the main currents of hard Indian life and are ignorant of the problems and needs of the lowest strata of society. Parents send their children to these public schools as they provide them with ample opportunities of decent employment. The public school elites are selected not because they are highly gifted and talented but because they fulfill requirements prescribed by selection Boards headed by similar *brown sahebs*. In fact the entire top hierarchy of Government is cornered by the public school educated persons thereby eliminating the scope for advancement of the poor, farmers and other categories of commonman of the country.

The system of providing special education to a privileged few is the biggest hurdle in creating national consciousness. All students, whether rich or poor, must receive education under identical surroundings so that a consciousness is kindled in them. We must not copy western countries in every thing, much less in education. We should develop our system of education to produce citizens responsive to the needs and problems of the commonman. The public schools in India are creating gaps within the society and day by day the gap is widening between the commonman and the affluent. The Government should, therefore, move fast in scrapping out the system of public school education.

Taking advantage of the anxiety of parents to admit their children in convents, the private schools are mushrooming everywhere in the country. These schools are operating in tents or in small rooms without proper facilities like playgrounds, laboratories, school buildings etc. They employ even unqualified teachers and fleece them alongwith the parents of the students. Their main aim is to earn money. It is, therefore, high time that private schools run by individuals or organisations should also be abolished forthwith. It is also high time that common syllabus is followed in every school of the country.

This Bill seeks to achieve the above objects.

SURESH PACHOURI,

III

BILL No. LXIII OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1991. Short title and commencement.
(2) It shall come into force at once.

2. After article 371-I of the Constitution, the following article shall be inserted, namely:—

“371-J (1) Notwithstanding anything in this Constitution, the President may, by order, made with respect to the State of Madhya Pradesh, provide for the establishment of a development Board for the districts of Bastar, Mandla, Balaghat, Rajnandgaon, Sarguja and Raigarh in that State.

(2) The Board shall take special steps to secure rapid and accelerated development of the said districts in every field especially in educational, economic, cultural and social fields in order to bring these areas at par with other developed districts of the State.

(3) The Board shall make a report simultaneously to the Government of Madhya Pradesh and to the President after every six months regarding the progress of development in different fields made by the Board.

STATEMENT OF OBJECTS AND REASONS

Madhya Pradesh is the largest State of the Indian Union so far as the land area is concerned. But it is economically and industrially very backward State in comparison to most of the other States of the Union. It has the largest population of Scheduled Tribes (*Adi**asis*) who till recently were living in complete harmony with other people of the State. But due to the apathy and neglect of the Government of the day, Naxalite menace has gripped the *Adi**asis* of the State. Since the *Adi**asis* are concentrated mostly in the districts of Bastar, Mandla, Balaghat, Rajnandgaon, Sarguja and Raigarh, the Naxalites have virtually established their *raj* in these areas because of neglect and apathy by bureaucracy and State Administration. The State Government has totally ignored these areas. The *Adi**asis* are not getting any assistance for their upliftment. They are not getting employment. They are being exploited by contractors in connivance with State officials. Their only source of income which is entirely dependent on forests is being denied by the forest department officials taking shelter of various forest laws. In many cases the *Adi**asi* women are being sexually exploited by the urban elites and Government officials. *Adi**asi* virgins are employed as maid servants only to be sexually exploited. The men are forced to bonded labour which has led *Adi**asi* youth to join hands with the naxalites. They are now killing people, ambushing police and their vehicles and indulging in all sorts of violent activities. They are also supported by the *Adi**asis* in general as naxalites take vengeance on officials, police and urbanites, who commit atrocities on *Adi**asis*. Since the naxalites are providing instant justice to the *Adi**asis* they are acquiring their respect too. Hence the situation is going out of hand day by day which requires immediate attention of the Central Government to solve the problem.

It is felt that one way to tackle the naxalite menace in the State is to constitute development Board for the *Adi**asi* areas so that proper development of these areas could take place which would win the trust of the *Adi**asis* in the Government of the State. The Board can concentrate on the social, cultural, economic and educational development of these areas within a time frame which will certainly go a long way in the upliftment of the *Adi**asis* in the State of Madhya Pradesh.

Hence this Bill.

SURESH PACHOURI.

IV

BILL No. LI of 1991

A Bill to provide for compulsory publication of retail sale price along with the advertisement of the consumer goods and for matters connected therewith.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Consumer Goods (Publication of Price with Advertisement) Act, 1991.	Short title, extent and commencement.
(2) It extends to the whole of India.	
(3) It shall come into force at once.	
2. In this Act, unless the context otherwise requires,—	Definitions.
(a) “advertised product” includes all products and services which for sale are published or printed in newspaper, magazines or in any other form, broadcast or telecast through radio or television or through any other media or through verbal announcement made in the public in this regard;	

(b) "Consumer goods" include all raw materials, agricultural commodities, finished goods of any kind or any other article and services intended for sale;

(c) "price" means the actual retail sale price of the product.

Publication of the retail sale prices of the consumer goods in advertisement.

3. Notwithstanding anything contained in any other law for the time being in force, it shall be mandatory for an advertiser of any product or consumer goods to publish simultaneously the price of the product which is intended to be sold in the domestic market and the agency whether owned by Government or any individual or group of individuals advertising such products shall ensure that no such product is advertised without simultaneously publishing such price.

Penal-
ties.

4. (1) Whoever contravenes the provisions of section 3 of this Act shall be punished with imprisonment which may extend to two years or with fine which may extend to ten thousand rupees or with both.

(2) If the offence under sub-section (1) is committed by an agency or a company the head of such agency or company by whatever name called, shall be liable to be proceeded against and punished accordingly.

STATEMENT OF OBJECTS AND REASONS

Consumer movement at present is picking up its tempo in our country. Though slowly, it has forced the Government to bring forward legislations to protect the consumers and accordingly Parliament enacted the Consumer Protection Act, 1986. Simultaneously a number of other enactments dealing with consumer interest were amended to protect the rights and interests of the consumers. But still there are some shortcomings in the Consumer Protection Laws. One such shortcoming is the non-publication of retail sale price of various consumer goods along with their advertisements. It is a well known trade practice that publicity of a product is a must for capturing the market and to boost its sale. This publicity is done through advertisements in Radio, T.V. newspapers, magazines, cinema slides, hoardings, posters, announcements in the public through loudspeakers etc. Today radio, TV, newspapers and magazines etc. are the most popular means of advertisement. The consumers are in fact lured by the advertisements to purchase the particular product but when the consumer goes to the market he finds different rates of the same product in different shops or agencies. The consumer is fleeced to the extent possible and he cannot resist his being fleeced because he does not know the actual sale price of the product. This can be stopped if simultaneous publication of actual sale price of the product alongwith its advertisement is made mandatory by enacting a law in this regard and providing for stiff penalties for violation thereof. This mandatory publication of sale price will protect the consumer from being fleeced by unscrupulous traders but it will also give him opportunity to think twice before deciding to purchase a product according to the money in his pocket. It will save him from the mad rush of shopping without caring for his budget. It will go a long way in the movement of consumer protection.

Hence this Bill.

S. S. AHLUWALIA.

V

BILL NO. LVIII OF 1991

A Bill to provide for the regulation of the prices of essential articles of daily consumption of citizens and to prevent profiteering in such articles by the dealers of such commodities and for matters connected therewith.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title,
extent
and com-
mence-
ment.

1. (1) This Act may be called the Profiteering Prevention and Control of Prices Act, 1991.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definition.

2. In this Act, unless the context otherwise requires, "essential articles" include all kinds of foodgrains, products derived from foodgrains, pulses, spices, domestic fuel including kerosene, edible oils, *vanaspati*, soap, selected and popular varieties of cotton, woollen and silken cloth, sugar, baby food, shoes, paper and paper products, drugs and medicines and such other articles of daily consumption as may be notified from time to time by the Central Government in the Official Gazette.

3. (1) The Central Government shall by order, notified in the Official Gazette, from time to time, fix the maximum prices of essential articles which may be charged by a dealer of such articles from the consumers:

Provided that different rates may be prescribed for the wholesale dealers and retail dealers of essential articles.

(2) The maximum prices to be fixed under sub-section (1) may be different in different parts of the country for different articles.

4. Every dealer of essential articles shall exhibit at a conspicuous place at his shop or business premises, the fixed price of every essential article and the details of stocks of such article held by him, in the prescribed form.

Fixation
of
maximum
prices of
essential
articles.

5. Every dealer shall issue a receipt in the prescribed form for every article sold by him and the purchaser of such article may ask for a proper receipt from the dealer in case the receipt is not issued by him to the consumer.

Compul-
sory
exhibition
of fixed
price
and
details of
stocks at
the
premises.

Issue of
receipt
for every
article.

6. Any dealer who asks for or charges more than the fixed price of or refuses to sell the essential articles or contravenes any of the provisions of this Act shall be punished with imprisonment which may extend to five years or with a fine which shall not be less than ten thousand rupees or with both.

Penalty.

7. Notwithstanding anything contained in any other law for the time being in force, an offence punishable under this Act shall be a cognizable offence.

Offence
to be
cogniz-
able.

8. On receipt of a complaint, whether verbal or written, against a person or dealer for an offence punishable under this Act, the Station House Officer of the local Police of the area concerned shall register a complaint in the prescribed form and take immediate action to investigate the matter and arrest such person or dealer.

Police to
take
immediate
action
on com-
plaint.

9. An order issued by a competent authority under the Essential Commodities Act, 1955 shall have its effect notwithstanding the provisions of this Act or the rules made thereunder.

Order
under the
essen-
tial
Commo-
dities
Act, 1955
to take
effect.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make
rules.

STATEMENT OF OBJECTS AND REASONS

Today inflation has gripped every walk of life of everyone be it rich, poor, businessman, Government or private sector employee, labourer, or housewife throughout the country. But the worst hit are the poor class people belonging particularly to the economically weaker sections of the society and the housewives of middle and poor classes. The prices of almost everything are skyrocketing. The steep rise in the prices of essential commodities and articles of daily consumption have made them beyond the reach of commonman. As a result crores of people are forced to live on one meal a day or no meal at all for days together. In some parts of the country starvation deaths have also been reported and price rise is the main reason for such deaths. Similarly housewives of middle and poor classes are also worst hit by the unabated price rise which disturbs their monthly budgets. The inflow of money in the household remains the same whereas the prices of articles of daily use are rising everyday. The situation has reached to a point of no return and is causing untold misery to the citizens in the country. It is a strange phenomenon in our country that prices of foodgrains, vegetables and fruits continue to rise even when there is no shortfall in their production. In fact some unscrupulous businessmen, middlemen, brokers and hoarders have monopolised the trade in essential articles and they decide their prices to suit their own interests. This has resulted in price rise even if there is no scarcity of essential articles. In such circumstances, Government must step in to control the prices of essential articles of daily consumption and must take drastic action against the profiteering and black marketeers. It is also necessary that prices of essential articles be regulated by Government by an adequate law. This Bill proposes to provide fixing the prices of essential articles of daily use by the Government throughout the country to give much desired relief to the common man.

Hence this Bill.

S. S. AHLUWALIA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill which will relate to matters of details only. The delegation of legislation power, therefore, is of normal character.

VI

BILL No. LII OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1991.

(2) It shall come into force at once.

Inser-
tion of
new arti-
cle 19A.
Right to
informa-
tion.

2. After article 19 of the Constitution, the following article shall be inserted, namely:—

“19A. (1) All citizens shall have the right to full and complete information regarding the affairs of the State and the official acts of those who represent them as public functionaries, officials and employees.

(2) Nothing in clause (1) shall prevent Parliament from enacting any law, from time to time, prescribing the type of information with regard to the affairs of the State which may require protection from disclosure.”.

STATEMENT OF OBJECTS AND REASONS

Openness is one of the essentials for the proper functioning of democracy. Since people are the centre point of democracy, nothing should be kept secret from them barring few exceptions. One can cite innumerable instances where even trivial matters which do not serve any interest of the nation are treated as secret and confidential. It is a matter of regret that our country being a signatory to the International Covenant on Civil and Political Rights has not made the 'right to information' a fundamental right so far despite the provisions of article 19 of the said Covenant.

The Covenant was signed by our country long ago but the citizens have not been given the much needed right to information in our country. That is why even the reports of various inquiry committees or commissions like the ones on plane crashes, rail accidents or such other eventualities are treated as secret and people do not know any thing about these reports. Similarly the recommendations of the Inter-departmental study group set up by the Central Government in 1977 to study the working of the Official Secrets Act, 1913 have been treated as confidential. Therefore, it becomes necessary that right to information be made a fundamental right of the citizens. At the same time there may be certain documents particularly relating to defence of the country or matters relating to international secrecy which may require protection in the national interest. For such matters Parliament can enact laws from time to time and a provision to that effect has already been included in this Bill. But the Parliament must lay down definite guidelines for exercising secrecy by the Government.

Finally, the Government of the day is bound by its commitments which is had given to the people in its manifesto of the 1991 general elections which was released by our most respected and beloved leader late Shri Rajiv Gandhi who had promised to the nation saying.

"Freedom of Information is another precious right. The Congress will make a law in this behalf." The Government may take its own time in bringing forward a Bill in this regard but this Bill may continue to serve as a reminder to the Government about the commitment it has to fulfil.

Hence this Bill.

S. S. AHLUWALIA.

VII

Bill No. LVI of 1991

A Bill to provide for the establishment of a permanent Bench of the High Court at Bombay at Pune.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court at Bombay (Establishment of a Permanent Bench at Pune) Act, 1991.

Establishment of a permanent Bench of the High Court at Bombay at Pune.

2. There shall be established a permanent Bench of the High Court at Bombay at Pune and such Judges of the High Court at Bombay, being not less than three in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Pune in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the Districts of Kolhapur, Satara, Sangli, Sholapur, Ahmednagar and Pune.

STATEMENT OF OBJECTS AND REASONS

There has been a persisting demand for setting up of a permanent Bench of the High Court at Bombay at Pune. More than 20000 cases have been pending in the High Court at Bombay for a long time.

Pune city is the Central Place in Western Maharashtra and has all modern facilities of communications and transport. As of now, people from Western Maharashtra have to travel to Bombay in connection with their cases which is a time consuming and costly affair.

In the interest of speedy and cheap justice and convenience of the litigants, it is necessary to establish a Bench of the High Court at Bombay at Pune.

The Bill seeks to achieve the above objective.

SURESH KALMADI.

BILL NO. LXII OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1991.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Amendment of article 332.

2. (1) In article 332 of the Constitution, after clause (3A), the following clause shall be inserted, namely:—

“(3B). Notwithstanding anything contained in clause (3), until the readjustment, under article 170, takes effect on the basis of the first census after the year 2000, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be not less than twenty in numbers, as on the date of coming into force of the Constitution (Amendment) Act, 1991, in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.

(2) The amendment made to article 332 of the Constitution by sub-section (1) shall not affect any representation in the Legislative Assembly of the State of Tripura until the dissolution of the Legislative Assembly existing at the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

A Memorandum of Settlement was signed by the Government of India with Tripura National Volunteers on the 12th August, 1988. The said document provides for a greater share of tribals in the governance of the State and envisages amendment of the Constitution to provide that notwithstanding anything contained in the Constitution, the number of seats in the Legislative Assembly of the State of Tripura, reserved for Scheduled Tribes shall be increased and the number of seats in the existing Assembly of the State shall not be disturbed at any cost until its dissolution.

A Government Bill namely the Constitution (Sixty-ninth Amendment) Bill, 1990 to give effect all the above mentioned provisions was introduced in the Ninth Lok Sabha but it lapsed due to the dissolution of the Ninth Lok Sabha.

In order to implement the said Memorandum and also to restore confidence amongst Tribal people immediate measures are to be taken by providing minimum number of seats for Scheduled Tribes in the Legislative Assembly of the State of Tripura.

The Bill seeks to achieve the aforesaid object.

NARAYAN KAR.

SUDARSHAN AGARWAL,
Secretary-General.

